

REMARKS

The Final Office Action dated August 19, 2004 has been reviewed and the comments of the U.S. Patent and Trademark Office have been considered. Claims 1, 6, and 15 have been amended. Accordingly, applicants respectfully request reconsideration of claims 1-39.

Claims 1-39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over International Publication Number WO 00/43666 to Kummer in view of U.S. Patent No. 5,803,983 to Simandl et al. (Simandl). Insofar as the rejection is applicable to amended claims 1, 6, and 15, applicants respectfully traverse this rejection because Kummer and Simandl, whether considered singularly or in combination thereof, fail to teach or suggest the claimed invention as a whole.

Each of claims 1, 6, and 15 has been amended to recite a method of fabricating a fuel injector that includes, *inter alia*, fabricating a fuel group in a clean room, and the fuel group has a generally constant outer diameter between a seat and an armature. Support for this amendment to claims 1, 6, and 15 is provided in, for example, originally-filed Figures 2 and 4.

The Office Action asserts that Kummer provides for a method of assembling two subassemblies in respective separate environments. The Office Action concludes that it would have been obvious to assemble one of the subassemblies of Kummer in a clean room environment based on Simandl as a matter of design choice because Simandl shows and describes a method of washing a fuel injector in a clean room. Applicants respectfully traverse this conclusion because (1) Kummer in view of Simandl fails to show or describe that one of the two sub-assemblies of Kummer are assembled in a clean room or even washed in a clean room, and (2) neither of Kummer nor Simandl shows or describe all of the claimed features.

First, Kummer states at page 4, lines 9-12, that the two subassemblies can be assembled independently of each other. Kummer, however, fails to show or describe that the independently assembled subassemblies require a separate environment for each subassembly. Simandl, on the other hand, fails to cure the deficiencies of Kummer. Simandl states that a clean room is insufficient to overcome the problems of particulates (Simandl at column 2, lines 6-11), and therefore, the claimed method of washing assembled fuel injectors was provided by Simandl. Moreover, contrary to the assertion in the Office Action, nowhere does Simandl state that the washing method is performed in a clean room. That is, Simandl shows and describes a method

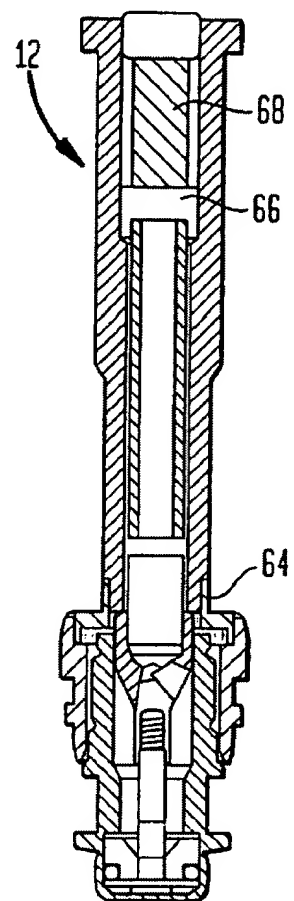
of washing assembled fuel injectors rather than assembling a fuel injector subassembly in a clean room or washing such subassembly in a clean room. Thus, Kummer and Simandl fail to teach or suggest the claimed invention as a whole. Accordingly, claims 1, 6, and 15 are patentable over Kummer in view of Simandl for at least this reason.

Second, Kummer in view of Simandl fails to show or describe all of the claimed features, including a fuel group that has a generally constant outer diameter between a seat and an armature, as recited in each of claims 1, 6, and 15. Specifically, Kummer shows, in Figure 13 (reproduced at right), a hydraulic subassembly 12 that has various outer diameters along the length of the subassembly 12. Similarly, Simandl fails to show or describe this claimed feature. Thus, Kummer in view of Simandl fails to teach or suggest all of the claimed features as required for a *prima facie* case of obviousness, as set forth in MPEP § 2143 (p. 2100-133, 8th Ed., Rev. 2, May 2004). Accordingly, claims 1, 6, and 15 are patentable over Kummer and Simandl, whether considered alone or in combination thereof.

Claims 2-5, 7-14, and 16-39 depend ultimately from one of allowable claims 1, 6, and 15, are therefore also allowable as well as for reciting additional features.

Applicants respectfully request entry of the amendment because the amendment places the application in condition for allowance or, in the alternative, in better form for appeal. Claims 1, 6, and 15 have been amended to particularly point out and distinctly claim the features of applicants' invention. Accordingly, applicants respectfully request entry and prompt allowance of the application.

FIG. 13



CONCLUSION

In view of the foregoing remarks, applicants respectfully request reconsideration and prompt allowance of the pending claims. Applicants respectfully invite the Examiner to contact the undersigned at (202) 739-5203 if there are any outstanding issues that can be resolved via a telephone conference.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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